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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,793	12/05/2003	Robert E. Tolbert JR.	C-02-0020-000/CINGP227US	2248
55343	7590	12/24/2008		
AT&T Legal Department Attn: Patent Docketing Room 2A-207 One AT&T Way Bedminster, NJ 07921			EXAMINER EL CHANTIL, HUSSEIN A	
			ART UNIT 2457	PAPER NUMBER
			NOTIFICATION DATE 12/24/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip\_law\_mail@legal.att.com

### Office Action Summary

**Application No.**

10/729,793

**Applicant(s)**

TOLBERT, ROBERT E.

**Examiner**

HUSSEIN A. EL CHANTI

**Art Unit**

2457

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-9, 12-15, 22 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 12-15, 22 and 24-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to restriction election received on Oct. 13, 2008.

Applicant elected Group I without traverse. Restriction is made **FINAL**.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-9, 12-15, 22 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baekelmans et al., U.S. Patent No. 7,080,141 (referred to hereafter as Baek) in view of Ramberg.

As to claims 1 and 12, Baek teaches a method for automated handling of a service problem reported by a user of a device, comprising the steps of:

receiving identification information identifying the device (see col. 3 lines 15-61);

receiving information about system conditions associated with the service problem directly from the user of the telecommunication device (see col. 2 lines 52-col. 3 lines 7 and col. 11 lines 11-28, agent 20 sends data with regards to problems and sends the data to a monitoring server);

identifying a specific nature of the service problem by comparing the system condition information to a database of known problems (see col. 3 lines 1-7); and

automatically effecting a corrective action responsive to the specific nature of the service problem without human intervention wherein the collective actions includes adjustment of settings of one or more network components through the execution of computer instructions that are communicated to the one or more network components (see col. 4 lines 25-32).

Baek does not explicitly teach that the device is a wireless mobile device. However the use of mobile devices is very well known in the art as shown in the system of Ramberg. It would have been obvious for the one of the ordinary skill in the art at the time of the invention to implement the use of wireless devices as taught by Ramberg because doing so would allow the user to access the internet and fix the client computer from any geographic location and therefore giving the client more freedom and satisfaction with regards to the location of the device.

As to claim 2, Baek teaches the method as recited in claim 1, in which the step of prompting the user of the device to input identification information (see col. 4 lines 15-25).

As to claims 3 and 13, Ramberg teaches the wireless device is a mobile telephone (see fig. 7).

As to claims 5 and 15, Baek teaches the method as recited in claim 1, wherein the one or more components comprise a switch wherein the corrective action includes adjusting the setting of the switch (see col. 5 lines 23-55).

As to claim 6, Baek teaches the method of claim 5 wherein the computer instructions are communicated using Telnet (see col. 6 lines 46-57).

As to claims 7 and 14, Baek teaches the method as recited in claim 1, in which the corrective action includes downloading of certain settings or software updates to the device (see col. 5 lines 62-col. 6 lines 2).

As to claim 8, Baek teaches the method as recited in claim 1, in which contact is established between the device customer and the computer server through a computer network (see col. 5 lines 1-22).

As to claim 9, Baek teaches the method as recited in claim 8, in which the computer network is the Internet (see col. 5 lines 1-22).

As to claim 22, Baek teaches the method as recited in claim 1, further comprising the step of automatically determining identification information associated with at least one of the user (see col. 10 lines 13-25).

As to claim 24, Baek teaches the method as recited in claim 1, wherein the computer instructions are preprogrammed fixes that are stored in a database and are responsive to the service problem (see col. 12 lines 11-34).

As to claim 25, Baek teaches the method as recited in claim 1, wherein the corrective action includes download settings, software updates or maintenance programs to the wireless telecommunications device. Baek does not explicitly teach that the server is OTA server. Official notice is taken that it would have been obvious for one of the ordinary skill in the art at the time of the invention to use OTA server because doing so would achieve the same end result which is to download the settings to the device.

As to claim 26, Baek teaches the method as recited in claim 1, wherein the corrective action includes modification of customer-related information on an internet access server (see col. 12 lines 11-34).

3. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUSSEIN A. EL CHANTI whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hussein Elchanti/

Dec. 16, 2008